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September 11, 2018

VIA ECF

Hon. Margo K. Brodie
United States District Judge
Eastern District of New York
225 Cadman Plaza East, Courtroom 6F
Brooklyn, NY 11201

RE: *Capogrosso v. Gelbstein et al.*, No. 18-cv-2710 (E.D.N.Y.)

Dear Judge Brodie:

This Office represents the State Defendants (defendants Gelbstein, Vahdat, Traschen, Morgan, Calvo, Flanagan and Palmieri) in the above-referenced action. I write in response to plaintiff's letter to the Court, dated September 10, 2018 (ECF No. 36), requesting that the Court extend plaintiff's deadline to respond to the State Defendants' motion to dismiss from September 17, 2018 to October 17, 2018.

I respectfully request that the Court deny plaintiff's request. The existing schedule provides plaintiff with more than sufficient time in which to respond to our motion – 30 days, which is 16 days longer than the deadline set forth in the Eastern District's Local Civil Rule 6.1(b). Moreover, the current schedule, which provides for the motion to be fully briefed by October 1, was set at the August 2 conference, with plaintiff in attendance, after I explained that I will be on paternity leave beginning in early October and will need to complete the reply brief before I go on leave. Extending the briefing schedule would require another attorney from this Office who is unfamiliar with this matter to be assigned and to prepare the reply papers, which would be unnecessarily burdensome, inefficient, and impractical. We requested the current schedule, and prepared our opening motion papers by the August 16, 2018 deadline, specifically to avoid this situation.

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Respectfully submitted,



Mark Siegmund
Assistant Attorney General

Cc: Plaintiff, via ECF & First-Class Mail